

EXHIBIT F

November 8-13, 2018 Email exchange between
Christopher Austin and Ronald Green

From: F. Christopher Austin caustin@weidemiller.com
Subject: RE: FCA-w-0822-SWITCH.30L - Interim Status Report
Date: November 13, 2018 at 11:50 AM
To: Ron Green rdg@randazza.com
Cc: Brianna Show bshow@weidemiller.com, Tenny Fauver tjf@randazza.com, Marc Randazza mjr@randazza.com, Alex Shepard ajs@randazza.com

FA

Ron:

Fine. I'll hold off on serving them. I was trying to be agreeable. Apparently, I've been confused about the service issue, and since my client asked me about the status, my confusion prevailed. No one is trying to gain an advantage here.

Chris

F. Christopher Austin
Weide & Miller, Ltd.

10655 Park Run Drive
Suite 100
Las Vegas NV 89144
702.610.9094 Mobile
702.382.4804 Office
702.382.4805 Fax
caustin@weidemiller.com | www.weidemiller.com

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From: Ron Green <rdg@randazza.com>
Sent: Tuesday, November 13, 2018 11:42 AM
To: F. Christopher Austin <caustin@weidemiller.com>
Cc: Brianna Show <bshow@weidemiller.com>; Tenny Fauver <tjf@randazza.com>; Marc Randazza <mjr@randazza.com>; Alex Shepard <ajs@randazza.com>
Subject: Re: FCA-w-0822-SWITCH.30L - Interim Status Report

Chris:

You did not learn that we did not receive the Requests for Production via email until "the other day." We discussed this in our Reply in Support of Motion to Stay Discovery, which was filed in June. In August, Sam, Anne-Marie, you, and I also discussed it at the early case conference, where you acknowledged that we had not received them and said that you would re-serve them after the conference. However, you subsequently agreed not to serve them again until we knew whether the case could be informally resolved. This is all in writing. I am really growing frustrated that this is still an issue. I agree with you that it should not be; however, given that your client misrepresented that we were "months late" responding to discovery just last week, it concerns me that you guys keep insisting that you served discovery on us in March.

I am also unsure why you are serving the Requests for Production on us today if you want to

resume talks regarding eDiscovery. While you only agreed to hold off on service until after the settlement meeting in Boston, the purpose of the proposed informal eDiscovery was to reduce litigation costs to both parties. Forcing us to respond to Requests for Production now would frustrate that purpose. So, if you do serve Requests on us today, I will have to talk to my clients regarding whether they would still be interested in engaging in informal eDiscovery.

Ronald D. Green* | **Randazza Legal Group, PLLC**
2764 Lake Sahara Drive | Suite 109 | Las Vegas, NV 89117
Tel: 702-420-2001 | Email: rdg@randazza.com

* Licensed to practice law in Nevada.

On Nov 13, 2018, at 11:24 AM, F. Christopher Austin <caustin@weidemiller.com> wrote:

Ron:

I haven't had a chance to discuss deadlines. I'm happy to work with you. My primary goal is to see if we cannot get the informal discovery process back on line. I'll follow-up with you on that later today.

As to discovery service: Until I spoke with you the other day, I did not know you had not received them when we emailed them. That is not an issue to battle over, so I'll serve them again today, and we'll count service from today.

Chris

F. Christopher Austin
Weide & Miller, Ltd.

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Suite 100
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702.382.4805 Fax
caustin@weidemiller.com | www.weidemiller.com

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From: Ron Green <rdg@randazza.com>
Sent: Monday, November 12, 2018 3:17 PM
To: F. Christopher Austin <caustin@weidemiller.com>
Cc: Brianna Show <bshow@weidemiller.com>; Tenny Fauver <tjf@randazza.com>
Subject: Re: FCA-w-0822-SWITCH.30L - Interim Status Report

Hey Chris. I'm following up to see if you had discussed deadlines and logistics with Switch yet.

Additionally, while I think we are on the same page with regard to Switch's Requests for Production, I wanted to be sure. We do not consider the Requests to have been served upon Defendants. The only time we have been provided with a copy of them was in regards to Switch's Opposition to our Motion to Stay Discovery. At this point, I assume you're holding off on serving them until you know whether your client wishes to pursue a mutually agreeable eDiscovery framework or just commence standard discovery.

While discovery deadlines were just extended, the clock continues to tick, and we'd appreciate follow up regarding eDiscovery as soon as possible.

Thanks a lot.

Ronald D. Green* | **Randazza Legal Group, PLLC**
2764 Lake Sahara Drive | Suite 109 | Las Vegas, NV 89117
Tel: 702-420-2001 | Email: rdg@randazza.com

* Licensed to practice law in Nevada.

On Nov 8, 2018, at 2:12 PM, F. Christopher Austin
<caustin@weidemiller.com> wrote:

Ron:

No need to file a motion for a protective order. They misunderstood the date of service which was obtained from me, because I did not know you had not received the discovery when we originally propounded it. I have a teleconference with them later today to assess whether we will be using a formal discovery process going forward or whether we can salvage the informal process. I'll then follow-up with you to reach agreement on deadlines and logistics.

Chris

F. Christopher Austin
Weide & Miller, Ltd.

10655 Park Run Drive
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Las Vegas NV 89144
702.610.9094 Mobile
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702.382.4805 Fax
caustin@weidemiller.com | www.weidemiller.com

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From: Ron Green <rdg@randazza.com>
Sent: Thursday, November 08, 2018 1:37 PM
To: F. Christopher Austin <caustin@weidemiller.com>
Cc: Brianna Show <bshow@weidemiller.com>; Tenny Fauver <tjf@randazza.com>
Subject: Re: FCA-w-0822-SWITCH.30L - Interim Status Report

I think the only remaining issue is your client's false insistence that we did not timely respond to written discovery and that they're expecting a response by November 19. Are they backing off of that, or do I need to file for a protective order? I'm really hoping it's the former.

Ronald D. Green* | **Randazza Legal Group, PLLC**
2764 Lake Sahara Drive | Suite 109 | Las Vegas, NV 89117
Tel: 702-420-2001 | Email: rdg@randazza.com

* Licensed to practice law in Nevada.

On Nov 7, 2018, at 4:35 PM, F. Christopher Austin
<caustin@weidemiller.com> wrote:

Thank you. We will file.

F. Christopher Austin
Weide & Miller, Ltd.

10655 Park Run Drive
Suite 100
Las Vegas NV 89144
702.610.9094 Mobile
702.382.4804 Office
702.382.4805 Fax
caustin@weidemiller.com | www.weidemiller.com

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permitted for use to promote, recommend or market any law-related matter addressed herein.

From: Ron Green <rdg@randazza.com>
Sent: Wednesday, November 07, 2018 4:33 PM
To: F. Christopher Austin <caustin@weidemiller.com>
Cc: Brianna Show <bshow@weidemiller.com>; Tenny Fauver <tjf@randazza.com>
Subject: Re: FCA-w-0822-SWITCH.30L - Interim Status Report

Just a few small revisions/corrections. If this is okay with you, you can affix my e-signature and file.

Ronald D. Green* | **Randazza Legal Group, PLLC**
2764 Lake Sahara Drive | Suite 109 | Las Vegas, NV 89117
Tel: 702-420-2001 | Email: rdg@randazza.com

* Licensed to practice law in Nevada.

On Nov 7, 2018, at 4:28 PM, F. Christopher Austin <caustin@weidemiller.com> wrote:

<FCA-w-0822-SWITCH.30L - Interim Status Report.docx>